

Meeting of the Licensing Sub-Committee 2

Tuesday 11th October, 2022 at 10.00am

In the Council Chamber at the Council House, Priory Road, Dudley

Agenda - Public Session

(Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 12th July, 2022 as a correct record.

The following application is to be considered under the provisions of the Licensing Act 2003:-

5. Review of a Premises Licence – Cocktails & Dreams, 19 Bilston Street, Sedgley (Pages 13-18)
6. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



Chief Executive

Dated: 3rd October, 2022



Distribution:

Members of the Licensing Sub-Committee 2

Councillor K Razzaq (Chair)

Councillors P Drake and E Taylor

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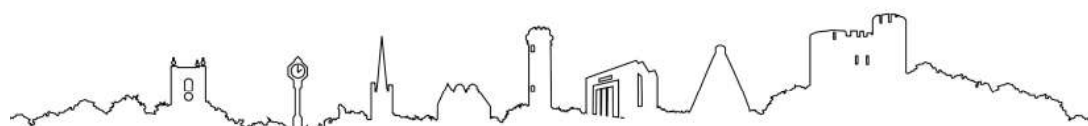
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Licensing Sub-Committee Procedure

- Chair to welcome parties and introduce Members and Officers
- Establish who the parties are and any representatives
- Chair to confirm that all parties have had disclosure of all documents that the Committee has before them and been allowed sufficient opportunity to read them prior to the meeting.
- Presenting Officer of the Local Authority or Solicitor to present the report to the Sub-Committee
- Relevant Authority to present their evidence and the Chair will then ask if any of the following have questions for the Officer:-
 - Objectors/or their representative
 - Applicant or representative
 - Sub-Committee Members and Legal Advisor
- Objectors or their representative/nominated person to present his/her case (including Ward Members)
 - Any witnesses to be called
 - Each witness to be questioned through the Chair in the following order:-
 - Representative of objectors (if present), if no representative, the objectors
- The Chair will then ask the following if they have any questions for the representative or the objectors:-
 - Presenting Officer Local Authority (or Solicitor)
 - Applicant or Representative
 - Sub-Committee Members and Legal Advisor
- Applicant or representative to introduce his or her case
 - Any witnesses for the applicant to be called
 - Each witness to be questioned through the Chair in the following order:-
 - Representative of Applicant (if present)
 - Presenting Officer Local Authority/Solicitor
 - Relevant Authority



- Objector or Representative
- Sub-Committee Members and Legal Advisor

- Presenting Officer of the Local Authority/Solicitor to sum up.
- Objectors/Representative to sum up
- Applicant or representative to sum up (must make final comments)
- Legal Advisor indicates to parties details of legal advice to be given to Sub-Committee
- Parties asked if they have had a fair hearing
- All parties, together with any members of the public to withdraw
- Sub-Committee to make their decision
- All parties invited to return and the Chair reads out the decision and the reasons for the decision.

**Minutes of the Licensing Sub-Committee 2
Tuesday, 12th July, 2022 at 10.00 am
In the Council Chamber, the Council House, Dudley**

Present:

Councillor K Razzaq (Chair)
Councillors P Drake and E Taylor

Officers:

N Slym – Assistant Team Manager (Licensing and Waste Enforcement) (Directorate of Public Realm), R Clark – Principal Solicitor, B Scobie – Work Experience and H Mills - Democratic Services Officer (Directorate of Finance and Legal)

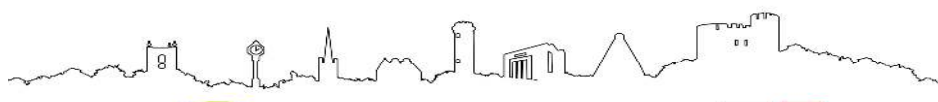
7. Declarations of Interest

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

8. Minutes

Resolved

That the minutes of the meeting held on 21st June, 2022, be approved as a correct record, and signed.



9. **Application for Grant of a New Premises Licence- The Queens Cross, 135 Wellington Road**

A report of the Interim Director of Public Realm was submitted on an application for grant of a new premises licence in respect of the premises known as The Queens Cross, 135 Wellington Road, Dudley.

The following persons were in attendance at the meeting:-

Mr O Hines – Applicant
Mr H Thomas – Solicitor for the applicant
Councillor C Bayton – Objector
Together with one member of the public.

Following introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council and confirmed that no representations had been received from West Midlands Police or the Local Authority.

Councillor C Bayton, on behalf of herself and local residents, then outlined the reasons for the objection, and in doing so referred to the serious incident that had occurred at the premises, whilst Mr Hines was the Premises Licence Holder, which had subsequently resulted in the premises licence being revoked. Local residents had expressed their concern that similar incidents would reoccur should the premises reopen with the same Premises Licence Holder in post and questioned the applicant's ability to responsibly promote the key licensing objectives, in particular the prevention of crime and disorder, public safety and the prevention of public nuisance, given the applicant's previous history.

Following questions of the objector, Mr Thomas then presented the case on behalf of the applicant, and in doing so emphasised that each case must be considered on its own merit, particularly as no objections had been made by any other responsible authority, including West Midlands Police, who had originally requested for the Premises Licence to be revoked in 2016.

It was reported that upon submission of the application, from the outset, the applicant had engaged with West Midlands Police and the Local Authority, to ensure that they were satisfied that the prevention of crime and disorder objective would be adhered to.

It was commented that Mr Hines had undertaken further training as a premises licence holder and designated premises supervisor, since the incident had occurred in 2016 and had successfully and responsibly managed a licenced premise in another local authority area with no issues or incidents reported, therefore had demonstrated that he could adequately promote the licensing objectives.

In referring to the application, it was considered that the proposed operating times and steps outlined in the application, which included the training of all staff, the installation of Closed Circuit Television (CCTV) and an incident log, as well as the appointment of door staff on Friday and Saturday evenings, would all contribute in the promotion of the four licensing objectives, and would help alleviate residents' concerns. Further additional risk measures had been proposed by the applicant and discussed with West Midlands Police, which included the premises joining the local Pub-Watch and the installation of an automatic number plate recognition system and barrier on the car park, which would be in operation at all times and prevent access when the premises was closed.

Reference was made to the small beer garden at the premises, and it was emphasised that measures would be put into place to avoid causing noise nuisance to local residents and a strict challenge 25 policy would be enforced.

In response to questions raised, Mr Thomas on behalf of his applicant, confirmed that the application request was for a period of 12 months only and that Mr Hines had completed accredited training following the incident in 2016. It was reiterated that Mr Hines had responsibly managed a licenced premise for three years since with no issues. Mr Hines also confirmed that the premises had been closed for six years and the patrons that had previously frequented the premises were no longer around and that he continued to live on-site at the premises.

In response to further questions, Mr Hines confirmed that should the application be successful he would join the local Pub-Watch to help develop a good rapport with other local businesses and local Police Officers and so he could be informed on what was happening in the area. It was also confirmed that Mr Hines would only manage one premise at a time and his focus would be on The Queens Cross, should the application be granted.

All parties were provided with the opportunity to sum up their cases, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Chair outlined the decision.

Resolved

That following careful consideration of the information contained in the report submitted and presented by all parties at the meeting, the application for a new premises licence in respect of the premises known as The Queens Cross, 135 Wellington Road, Dudley be granted, for a period of 12 months, with the conditions contained in the operating schedule to the application and the additional condition as set out below:-

There will be no external amplification or speakers within the curtilage of the premises currently known as The Queens Cross

10. **Application for Grant of a New Premises Licence – Ale Hub Ltd, 15 Market Street, Kingswinford**

A report of the Interim Director of Public Realm was submitted on an application for grant of a new premises licence in respect of the premises known as Ale Hub Limited, 15 Market Street, Kingswinford.

The following persons were in attendance at the meeting:-

Mr C McDiarmid – Managing Director Ale Hub Ltd
Ms S McDiarmid – Ale Hub Ltd
Together with four members of public.

Following introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council, and in doing so confirmed that representations had been received from a local resident, although they were not in attendance at the meeting.

In the absence of the objector, the applicant then presented his case and in doing so stated that the business was family run, with five other premises in operation that were situated in similar residential areas as the proposed premise. It was confirmed that cask ales, craft beers and high-quality gins would all be available on the premises and would be a niche market in comparison to local chain public houses. No under 18's would be permitted on the premises after 6pm, no food would be served, background music would only be played until 11pm and a strict challenge 25 policy would be enforced and monitored.

It was considered that the proposed conditions and measures, as outlined in the application, together with the reinforcement of the concrete ceiling, would adequately address the concerns raised in the objection and the applicant would be willing to discuss the issues directly with the resident should the application be granted.

In response to a question raised it stated that whilst a definitive time could not be provided, delivery of goods would usually be undertaken between the hours of 9am and 1pm.

All parties were provided with the opportunity to sum up their cases, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Chair outlined the decision.

Resolved

That following careful consideration of the information contained in the report submitted and presented at the meeting, the application for a new premises licence in respect of the premises known as Ale Hub Limited, 15 Market Street, Kingswinford, be granted.

11. **Application for Grant of a New Premises Licence – Black Country Living Museum, Tipton Road, Dudley**

A report of the Interim Director of Public Realm was submitted on an application for the grant of a new premises licence in respect of the premises known as The Black Country Living Museum, Tipton Road, Dudley.

The following persons were in attendance at the meeting:-

Mr D Inzani – Solicitor on behalf of the application
Mr N Seller – Black Country Living Museum
Mr P Crofts – Black Country Living Museum
Together with one member of public.

Following introductions, the Assistant Team Manager (Licensing and Waste Enforcement) presented the report on behalf of the Council, and in doing so confirmed that 22 representations had originally been received from local residents, although one had since been withdrawn. It was confirmed that all objectors had been informed of the proceedings, however, had not confirmed their attendance.

In the absence of any objector, Mr Inzani then presented the case on behalf of the applicant and in doing so provided a background to the structure and events at The Black Country Living Museum. It was stated that a new pub and car park was in the progress of development at the site, which had provided the museum with the opportunity to review its current operating schedule. All proposed changes had been made in consultation with the Local Authority and West Midlands Police and a proposed set of conditions had been included to address any concerns.

It was emphasised that the extension of hours would allow flexibility for events and functions and that the museum was willing to work with local residents to minimise impact from noise nuisance and anti-social behaviour from guests, with an operational noise and dispersal management plan devised, which would be implemented during events.

In response to questions raised, it was confirmed that there were no current plans to open the premises after 5pm on New Years Eve and that evening wedding receptions were not accepted, only corporate events and sporadic themed events, which in total equated to approximately 10 to 12 events per year. It was further confirmed that whilst a new pub was to be erected on site, this would remain authentic and would only sell alcohol that was available during that era, although pop-up stations erected around the museum during events may sell modern drinks.

In response to further questions, it was stated that security was on site during evening events, with only 1 or 2 incidents experienced, and it was highlighted that admission to all events were ticketed.

All parties were provided with the opportunity to sum up their cases, following which all parties withdrew from the meeting to enable the Sub-Committee to determine the application.

Having made their decision, the meeting was reconvened, and the Chair outlined the decision.

Resolved

That following careful consideration of the information contained in the report submitted and presented at the meeting, the application for a new premises licence in respect of the premises known as The Black Country Living Museum, Tipton Road, Dudley, be granted.

The meeting ended at 12.05pm

CHAIR

Meeting of the Licensing Sub-Committee 2 – 11th October, 2022

Report of the Interim Director of Public Realm

**Application for Review of a Premises Licence
Cocktails & Dreams, 19 Bilston Street, Sedgley, DY3 1JA**

Purpose

1. To consider the application for the review of the premises licence in respect of Cocktails & Dreams, 19 Bilston Street, Sedgley, DY3 1JA.

Recommendation

2. That the Sub-Committee determine the application for the review of the premises licence received from the Principle Environmental Health Officer in respect of the premises known as Cocktails & Dreams formerly (Sedgley Karai Restaurant).

Background

3. Cocktails & Dreams formerly (Sedgley Karai Restaurant) was first issued with a premises licence on the 13th March 2015. That licence was suspended on the 1st June 2017 for the none payment of annual fee and was reinstated and transferred into the name of Mr C Bates on the 24th May 2022. The premises licence was issued for the following days and times:

Supply of Alcohol

Friday & Saturday	17.30 until 00.30
Sunday to Thursday	17.30 until 23.30
Christmas Day	12.30 until 21.00

Late Night Refreshment

Friday & Saturday	23.00 until 00.30
Sunday to Thursday	23.00 until 23.30

Premises Open to the Public

Sunday to Thursday	17.30 until 00.00
Friday & Saturday	17.30 until 01.00
Christmas Day	12.30 until 21.30

4. On the 22nd August 2022, an application for the review of the premises licence was received from the Principle Environmental Health Officer, the grounds for the review relate to the prevention of public nuisance. A copy of that application has been forwarded to the Premises Licence Holder, Committee Members, Relevant Authorities and Interested Parties in accordance with the Licensing Act 2003.
5. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation SI, 2005, No. 42, Section 38.
6. Representations in support of the application for review have been received from a Ward Member, West Midlands Police and the Licensing Authority.
7. Copies of all representations have been forwarded to the Premises Licence Holder, Committee Members and Interested Parties.

Finance

8. There are no financial implications.

Law

9. The law relating to the review of licences is governed by the Licensing Act, 2003 Section 52(1).

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with Section 51.



- b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
 - c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section
10. Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
11. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
12. The steps are -
- a) to modify the conditions of the licence;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
13. Subsection (3) is subject to sections 19,20 and 21 (requirement to include certain conditions in premises licences).
14. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
15. In this section “relevant representations” means representations which -
- a) are relevant to one or more of the licensing objectives, and

- b) meet the requirements of subsection (8).
16. The requirements are -
- a) that the representations are made –
 - i) by the holder of the premises licence, a responsible authority or an interested party, and
 - ii) within the period prescribed under section 51(3)(c)
 - b) that they have not been withdrawn, and
 - c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
17. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
18. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
- a) the holder of the licence
 - b) the applicant
 - c) any person who made relevant representations, and
 - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
19. A determination under this section does not have effect -
- a) until the end of the period given for appealing against the decision, or
 - b) if the decision is appealed against, until the appeal is disposed of

20. Pursuant to schedule 5 part 1, section 8(2)

An appeal may be made against the decision of the committee by –

- a) the applicant for the review
- b) the holder of the premises licence or
- c) any other person who made relevant representations in relation to the application for review.

Risk Management

21. There are no material risk implications.

Equality Impact

22. This report takes into account the Council's policy on equal opportunities.

23. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.

24. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

25. There are no organisational development/transformation implications.

Commercial/Procurement

26. There are no commercial/procurement implications.

Environment/Climate Change

27. There are no Environment/Climate Change implications.

Council Priorities and Projects

28. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



Andy Vaughan
Interim Director of Public Realm

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Appendices

None

List of Background Documents

None